

REMARKS

I. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner stated in pertinent part that "there is no antecedent basis for 'said front layer' in all relevant claims." The "front layer" is introduced in line 2 of independent claims 1, 4, and 6. The front layer as provided in line 2 of each of these claims provides antecedent basis for each subsequent recitation of "said front layer." Accordingly, Applicant respectfully submits that claims 1-7 are clear and definite and requests withdrawal of the rejection under 35 U.S.C. § 112.

II. Rejection under 35 U.S.C. § 102(b)

Claims 1-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 34 18 002 (DE '002). This rejection is respectfully traversed. Applicant submits that DE '002 does not show all the features of the invention reflected in the amended claims, and requests withdrawal of the rejection under 35 U.S.C. § 102.

DE '002 concerns double or multi-layered transportable construction elements and process for their production. The construction elements comprise covering and intermediate layers. The layers consist of a variety of substances. The composite of the substances is prepared for changing fluidity of mortar in hydraulically hardening process. The mortar contains synthetic material and is hardened by adding water. The composition of mortar contains cement, quartzitic and/or calcitic sands or powders, polymeric binder, wetting agent, and, if necessary, further usual additives.

DE '002 fails to disclose at least a front layer containing a pigment and a resin, which forms a resin film simultaneously with cement curing, as defined in claims 1 and 8. DE '002 further fails to disclose a resin film on a surface of a front layer, wherein at least said front layer contains a pigment, as defined in claim 4. In addition, DE '002 fails to disclose at least a front

RECEIVED
OCT 16 2002
TC 1700

layer containing a pigment and an anti-efflorescence agent, as defined in claims 6 and 16. Furthermore, DE '002 fails to disclose providing a water-resistant property simultaneously with cement curing, as defined in claim 9. DE '002 also fails to disclose coating a resin onto a molding board to form a resin film on a surface of a colored building board simultaneously with cement curing, as defined in claim 11. In addition, DE '002 fails to disclose coating a resin film on a surface of a cured cement board and subjecting the cured cement board to an autoclave process, as defined in claim 12.

Claims 2 and 20, 5 and 21, 7 and 22, 13, 10, 14, 15, and 17 depend from claims 1, 4, 6, 8, 9, 11, 12, and 16 respectively and define further distinctive features of the invention. Accordingly, because DE '002 fails to show each and every feature of claims 1-2 and 4-23, DE '002 fails to anticipate the claimed invention. Withdrawal of the rejection is therefore respectfully requested.

With respect to new independent claim 18, DE '002 fails to disclose at least a front layer containing a pigment and a water-resistant additive, which provides a water-resistant property simultaneously with cement curing, as defined in claim 18. Claims 19 and 23 depend from claim 18 and define over the art of record for at least the reasons mentioned above.

Furthermore, the invention of the application concerns coloring technique of cement substrates, and pigment is used for coloring. In contrast, DE '002 is concerned with adjusting fluidity in hydraulically hardening process. Accordingly, DE '002 is a non-analogous reference and therefore fails to render obvious the claimed invention.

CONCLUSION

In this application, claim 3 has been cancelled and claims 1-2 and 4-23 are pending. Applicant respectfully requests allowance of the pending claims in light of the amendments and the above comments.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

The Commissioner is hereby authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No.19-2112 referencing HIAS.96551.

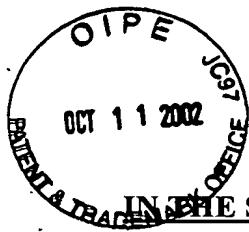
Respectfully submitted,

Dated: October 11, 2002



Kerry H. Owens
Reg. No. 37,412

SHOOK, HARDY & BACON L.L.P.
600 14th Street, NW
Suite 800
Washington, DC 20005-2004
Phone: (202)783-8400
Fax: (202)783-4211



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

IN THE CLAIMS

1. (Once Amended) A colored building board comprising:

[front and back layers of high] a front layer having a first density, [whose] the front layer having main components [are] including a wood material(s) and a self-curing inorganic material(s); [and]

a back layer having a second density, the back layer having main components including a wood material(s) and a self-curing inorganic material(s); and

a core layer [of] having a third and lower density compared with said [front and back layers, whose] first density and said second density, the core layer having main components [are] including a wood material(s) and a self-curing inorganic material(s);

wherein at least said front layer [among said front and back layers] contains a pigment(s) and a resin(s), [or a pigment(s) and a water-resistant additive(s)] which forms a resin film simultaneously with cement curing.

2. (Not Amended) The colored building board according to claim 1, wherein said resin(s) is a resin(s) used for mixing with cement.

3. (Cancelled) The colored building board according to claim 1, wherein said water-resistant additives contains at least one of the materials selected from the group consisting of stearate, calcium acrylate, ammonium oleate, asphalt, paraffin, hydroxyethyl cellulose and maleic acid.

4. (Once Amended) A colored building board comprising:

[front and back layers of high] a front layer having a first density, [whose] the front layer having main components [are] including a wood material(s) and a self-curing inorganic material(s); [and]

a back layer having a second density, the back layer having main components including a wood material(s) and a self-curing inorganic material(s);

RECEIVED
OCT 16 2002
10 1700

a core layer [of] having a third and lower density compared with said [front and back layers, whose] first density and said second density, the core layer having main components [are] including a wood material(s) and a self-curing inorganic material(s); and
a resin film on a surface of the front layer;

wherein at least said front layer [among said front and back layers] contains a pigment(s) [and has a resin film on the surface thereof].

5. (Not Amended) The colored building board according to claim 4, wherein said resin film is a resin(s) used for mixing with cement.

6. (Once Amended) A colored building board comprising:

[front and back layers of high] a front layer having a first density, [whose] the front layer having main components [are] including a wood material(s) and a self-curing inorganic material(s); [and]

a back layer having a second density, the back layer having main components including a wood material(s) and a self-curing inorganic material(s); and

a core layer [of] having a third and lower density compared with said [front and back layers, whose] first density and said second density, the core layer having main components [are] including a wood material(s) and a self-curing inorganic material(s);

wherein at least said front layer [among said front and back layers] contains a pigment(s) and an anti-efflorescence agent(s) which produces insoluble salts simultaneously with cement curing.

7. (Not Amended) The colored building board according to claim 6 wherein said anti-efflorescence agent(s) contains at least one of the materials selected from the group consisting of fluoride, carbonate, polyaminocarboxylic acid and maleic acid.

8. (Once Amended) A manufacturing method for manufacturing a colored building board by a dry forming process, the method comprising the steps of:

[wherein] incorporating a pigment(s) and a resin(s) [are incorporated] into at least [said] a front layer [among said front and back layers] of the colored building board; and
[to form] forming a resin film simultaneously with cement curing.

9. (Once Amended) A manufacturing method for manufacturing a colored building board by a dry forming process, the method comprising the steps of:

[wherein] incorporating a pigment(s) and a water-resistant additive(s) [are incorporated] into at least [said] a front layer [among said front and back layers] of the colored building board; and

[to provide] providing a water-resistant property simultaneously with cement curing.

10. (Not Amended) A manufacturing method for manufacturing a colored building board according to claim 9, wherein said water-resistant additive(s) contains at least one of the materials selected from the group consisting of stearate, calcium acrylate, ammonium oleate, asphalt emulsion, paraffin emulsion, hydroxyethyl cellulose and maleic acid.

11. (Once Amended) A manufacturing method for manufacturing a colored building board by a dry forming process, the method comprising the steps of:

[wherein] incorporating a pigment(s) [is incorporated into said front layer among said front and back layers, and] into at least a front layer of the colored building board; and

coating a resin(s) [is coated] on a molding board to form a resin film on [the] a surface of said colored building board simultaneously with cement curing.

12. (Once Amended) A manufacturing method for manufacturing a colored building board by a dry forming process, the method comprising the steps of:

[wherein] incorporating a pigment(s) [is incorporated into at least said front layer among said front and back layers, and] into at least a front layer of the colored building board;

coating a resin film [is coated] on [the] a surface of a cured cement board; and [, and after forming said resin film, said]

subjecting the cured cement board [being subjected] to an autoclave maturing process.

13. (Not Amended) A manufacturing method for manufacturing a colored building board according to claim 8, wherein said resin is resin emulsion for mixing with cement.

14. (Not Amended) A manufacturing method for manufacturing a colored building board according to claim 11, wherein said resin is resin emulsion for mixing with cement.

15. (Not Amended) A manufacturing method for manufacturing a colored building board according to claim 12, wherein said resin is resin emulsion for mixing with cement.

16. (Once Amended) A manufacturing method for manufacturing a colored building board by a dry forming process, the method comprising the steps of:

[wherein] incorporating a pigment(s) and an anti-efflorescence agent(s) [are incorporated into at least said front layer among said front and back layers] into at least a front layer of the colored building board; and

[to produce] producing insoluble salts.

17. (Not Amended) A manufacturing method for manufacturing a colored building board according to claim 16, wherein said anti-efflorescence agent(s) contains at least one of the materials selected from the group consisting of fluoride, carbonate, polyaminocarboxylic acid and maleic acid.

-- 18. (New) A colored building board comprising:

a front layer having a first density, the front layer having main components including a wood material(s) and a self-curing inorganic material(s);

a back layer having a second density, the back layer having main components including a wood material(s) and a self-curing inorganic material(s); and

a core layer having a third and lower density compared with said first density and said second density, the core layer having main components [are] including a wood material(s) and a self-curing inorganic material(s);

wherein components of at least said front layer contains a pigment(s) and a water-resistant additive(s), which provides a water-resistant property simultaneously with cement curing.

19. (New) The colored building board according to claim 18, wherein said water-resistant additive(s) contains at least one of the materials selected from the group consisting of

stearate, calcium acrylate, ammonium oleate, asphalt, paraffin, hydroxyethyl cellulose and maleic acid.

20. (New) The colored building board according to claim 1, wherein the first density is substantially the same as the second density.

21. (New) The colored building board according to claim 4, wherein the first density is substantially the same as the second density.

22. (New) The colored building board according to claim 6, wherein the first density is substantially the same as the second density.

23. (New) The colored building board according to claim 18, wherein the first density is substantially the same as the second density. --